IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS

ROBERT BETHEL,

Petitioner, : Case No. 2:10-cv-391

-vs- : District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

DAVID BOBBY, Warden,

Respondent. :

ORDER

This capital habeas corpus case is before the Court *sua sponte*. On April 6, 2012, the Court granted Petitioner's Motion for Leave to File an Amended Petition and ordered that Respondent file a supplemental return of writ responding to the added claims not later than thirty days after the Amended Petition was filed (Decision and Order, Doc. No. 23). The Amended Petition was in fact filed on April 10, 2012, so that the supplemental return should have been filed not later than May 10, 2012. However, Respondent has neither filed a supplemental return nor sought an extension.

It is accordingly ORDERED that the supplemental return be filed not later than June 20, 2012. In other capital habeas cases involving new lethal injection claims, the Attorney General has indicated an intention to file a motion to dismiss under Fed. R. Civ. P. 12(b)(6). If that is the Attorney General's intention in this case, such a motion shall be filed not later than June 20, 2012, and Respondent's obligation to file a supplemental return of writ will be postponed pending decision on any such motion. Whenever the Warden files the supplemental return of writ, Petitioner's supplemental reply will be due thirty days thereafter.

June 9, 2012.

s/ **Michael R. Merz**
United States Magistrate Judge